

OPEN MEETING ITEM

COMMISSIONERS
KRISTIN K. MAYES - Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

ORIGINAL



0000098243

Interim Executive Director

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ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

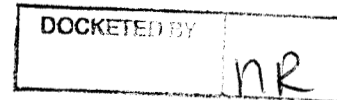
DOCKETED

DATE: MAY 8, 2009

MAY -8 2009

DOCKET NO: T-02930A-09-0151

TO ALL PARTIES:



Enclosed please find the recommendation of Administrative Law Judge Yvette B. Kinsey. The recommendation has been filed in the form of an Order on:

RSM COMMUNICATIONS, LTD.
(CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

MAY 18, 2009

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

MAY 27, 2009 and MAY 28, 2009

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

MICHAEL P. KEARNS
INTERIM EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 KRISTIN K. MAYES - Chairman
4 GARY PIERCE
5 PAUL NEWMAN
6 SANDRA D. KENNEDY
7 BOB STUMP

8 IN THE MATTER OF THE APPLICATION OF
9 RSM COMMUNICATIONS, LTD FOR
10 APPROVAL TO CANCEL ITS CERTIFICATE OF
11 CONVENIENCE AND NECESSITY TO PROVIDE
12 CUSTOMER OWNED PAY TELEPHONE
13 SERVICES IN ARIZONA.

DOCKET NO. T-02930A-09-0151

DECISION NO. _____

ORDER

14 Open Meeting
15 May 27 and 28, 2009
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 * * * * *

19 Having considered the entire record herein and being fully advised in the premises, the
20 Commission finds, concludes, and orders that:

21 FINDINGS OF FACT

22 1. In Commission Decision No. 59244 (August 30, 1995), the Arizona Corporation
23 Commission ("Commission") granted RSM Communications, Ltd. ("RSM") a Certificate of
24 Convenience and Necessity ("CC&N") to provide customer owned pay telephone ("COPT") services
25 in Arizona.

26 2. On March 25, 2009, RSM filed an application with the Commission requesting
27 cancellation of its CC&N to provide COPT services in Arizona.

28 3. According to the application, RSM is no longer providing COPT services to customers
in Arizona.

4. On April 23, 2009, the Utilities Division of the Commission ("Staff") filed a
Memorandum in response to RSM's application to cancel its CC&N. According to Staff's
Memorandum, Staff contacted RSM, via telephone, and spoke to W.B. Marshall who verified that he

1 is the authorized person to file the application to cancel the CC&N. Mr. Marshall confirmed that
2 RSM no longer provides COPT services in the State of Arizona and that RSM does not wish to
3 participate in a hearing in this matter.

4 5. According to the Compliance Section of the Utilities Division, RSM has no
5 outstanding compliance issues.

6 6. The Commission's Consumer Services Section indicates that no complaints, opinions
7 or inquiries have been filed against RSM for the period of January 1, 2006 to present.

8 7. According to the Corporations Division, RSM is in good standing with the
9 Commission.

10 8. Staff recommends approval of RSM's application for cancellation of the CC&N
11 granted in Decision No. 59244.

12 9. Staff's recommendation is reasonable and should be adopted.

13 CONCLUSIONS OF LAW

14 1. Applicant is a public service corporation within the meaning of Article XV of the
15 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

16 2. The Commission has jurisdiction over RSM and of the subject matter of the
17 application.

18 3. The cancellation of RSM's CC&N to provide customer owned pay telephone services
19 in Arizona is in the public interest.

20 ORDER

21 IT IS THEREFORE ORDERED that the application of RSM Communications, Ltd. for
22 cancellation of its Certificate of Convenience and Necessity to provide customer owned pay
23 telephone services in Arizona is hereby granted.

24 ...

25 ...

26 ...

27 ...

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1 IT IS FURTHER ORDERED that the tariffs of RSM Communications, Ltd. are hereby
2 cancelled.

3 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.
5
6

7 CHAIRMAN

COMMISSIONER

9 COMMISSIONER

COMMISSIONER

COMMISSIONER

11 IN WITNESS WHEREOF, I, MICHAEL P. KEARNS, Interim
12 Executive Director of the Arizona Corporation Commission,
13 have hereunto set my hand and caused the official seal of the
14 Commission to be affixed at the Capitol, in the City of Phoenix,
15 this ____ day of _____, 2009.

16 MICHAEL P. KEARNS
INTERIM EXECUTIVE DIRECTOR

17 DISSENT _____

19 DISSENT _____

YBK:db

1 SERVICE LIST FOR: RSM COMMUNICATIONS, LTD

2 DOCKET NO.: T-02930A-09-0151

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4 W.B. Marshall
RSM COMMUNICATIONS, LTD
303 E. Gurley St., #450
5 Prescott, AZ 86301

6 Janice Alward, Chief Counsel
Legal Division
7 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
8 Phoenix, AZ 85007

9 Ernest G. Johnson, Director
Utilities Division
10 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
11 Phoenix, AZ 85007

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